THE JURISPRUDENCE OF FOOD & MEDICINE

The Anatomy of Harm

Understanding Darar (Harmfulness) as a Cause of Prohibition in Islamic Dietary Law

A Diagnostic Guide for Food Auditors, Scholars, and Consumers.

Understanding Harm (*Darar*) as a Legal Basis for Prohibition (*At-Tahreem*)

1: Evidence for Prohibition

2: Maqasid

3: Who will decide what is harmful?

4: Substance with benefit as well as harm

5: Four types of impacts from harmful things

6: Dosage dependant harm

7: Medical Perspective

8: Toxicity

9: Mind-Altering Substances

10: Food Poisoning

11: Au... Checkl...

The Philosophy of Prohibition

Islam does not restrict arbitrarily; it restricts to protect.
Because the body is a divine trust—not a personal possession—hum
beings do not have the right to willingly destroy it.

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The Philosophy of Prohibition

وَلَا تُلۡقُواْ بِأَيۡدِيكُمۡ إِلَى ٱلتَّهۡلُكَةِۛ

And do not let your own hands throw you into destruction (Al-Baqarah 2:195)

وَلَا تَقۡتُلُوٓاْ أَنفُسَكُمۡۚ

And do not kill ˹each other or˺ yourselves. (An-Nisa 4:29)

Legal Maxims Governing Food Safety

القواعد الفقهية الكلية

The Core Hadith

لا ضرر ولا ضرار

There should be neither harming nor reciprocating harm.
(*Lā ḍarara wa-lā ḍirār*)

The Default Rule of Harm

الأصل في المضار التحريم

The original rule in harmful things is prohibition.
(*Al-aṣl fī al-maḍārr al-taḥrīm*)

The Imperative to Act

الضرر يزال

Harm must be eliminated.
(*Al-ḍarar yu*

While the default ruling for all food is permissibility (الإباحة), proven harm a
structural constraint that instantly shifts the ruling to prohibition (تحريم

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Synthesis: The Fortress of the Believer

Adherence to Chapter 7 is not merely about avoiding sin; it is about building a fortres
human dignity. Shariah prohibitions are the ultimate architecture for holistic well-be

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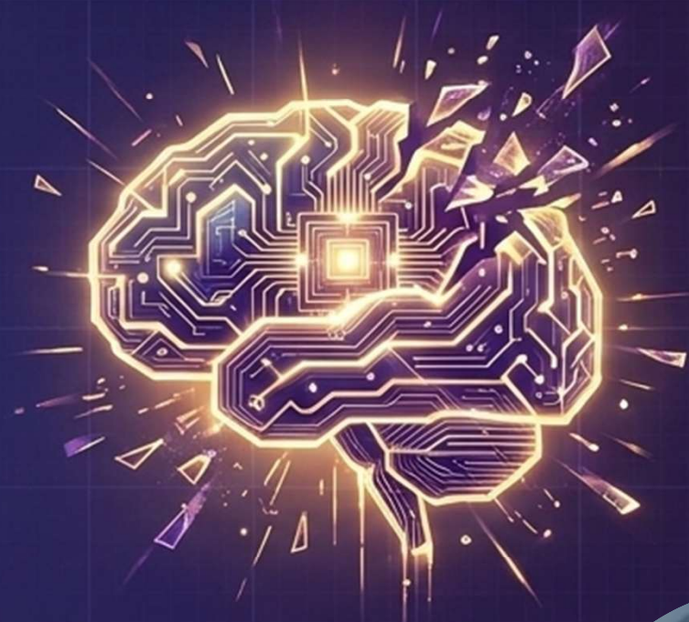
The Anatomy of Harm

Life Removers (مزيل حيات)

Substances that destroy the physical body (*Nafs*) or gradually degrade health.

Examples: Lethal poisons, toxic chemicals.

Mind Removers / Downfalls (مزيل عقل)



Substances that destroy co
judgment, and intellect (*'Aql*)
spiritual and social dow

Examples: Narcotics, alcohol, psych

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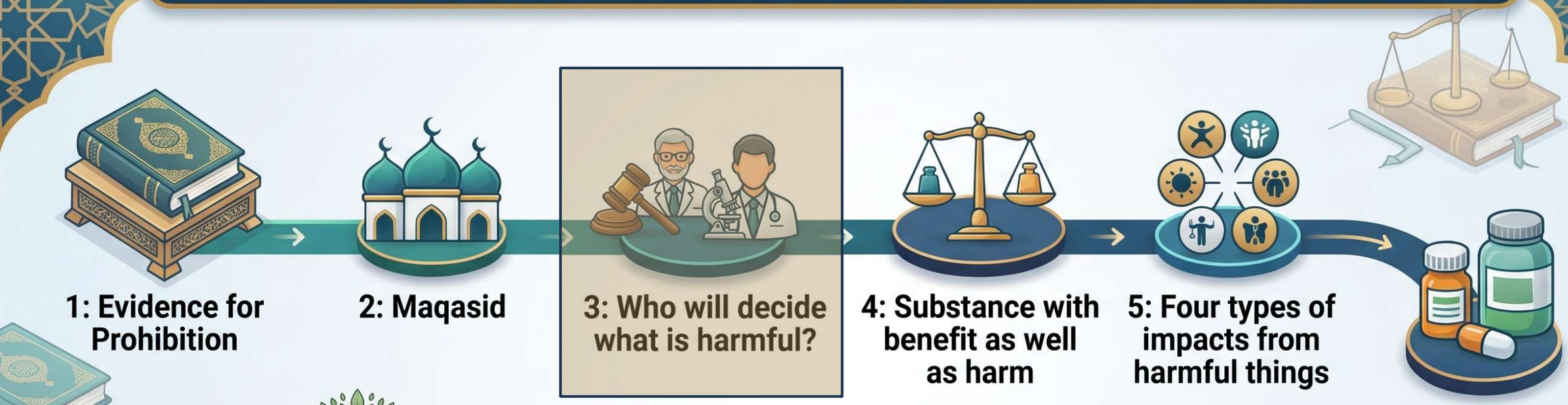

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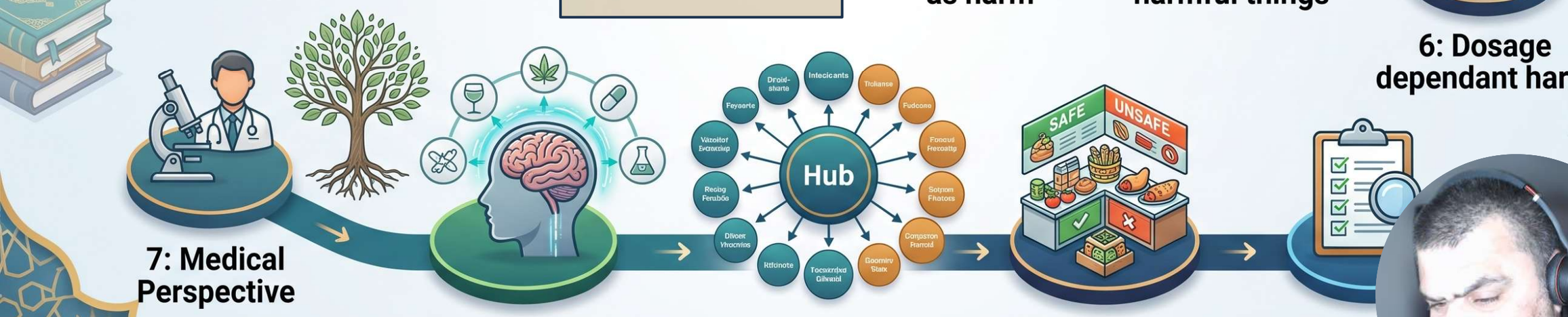

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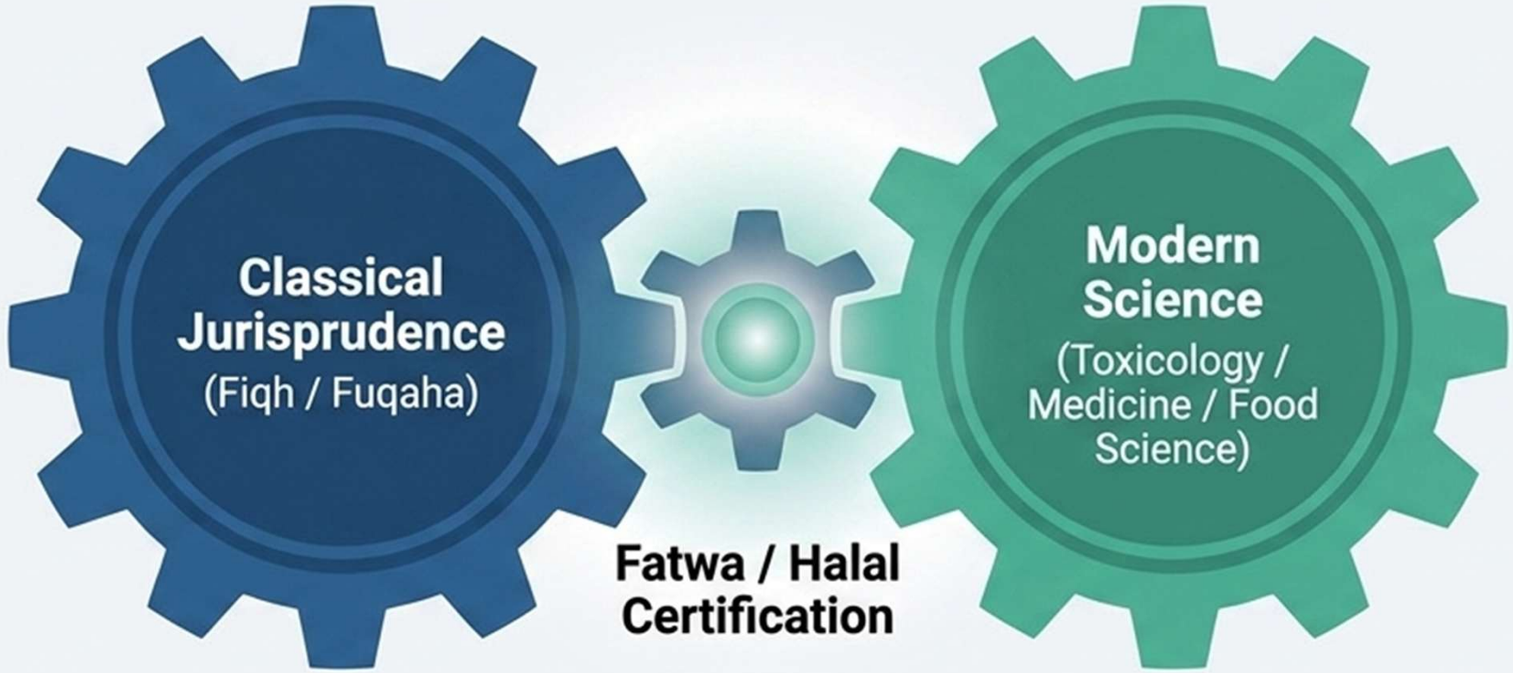
Evaluating Harm: The Role of Contemporary Science



The Mandate to Investigate (*Taḥqīq al-Manāṭ*)

The Shari'ah relies on empirical science to identify, isolate, and quantify harm in modern industrial food systems.

Collaboration

Classification of complex synthetic ingredients requires Muslim scientific experts to determine if a compound crosses the threshold from "safe" to "harmful".

Certainty vs.

Rulings of prohibiti
proven scienti
(*Yaqeen*), not bas
or paranoia (*W*

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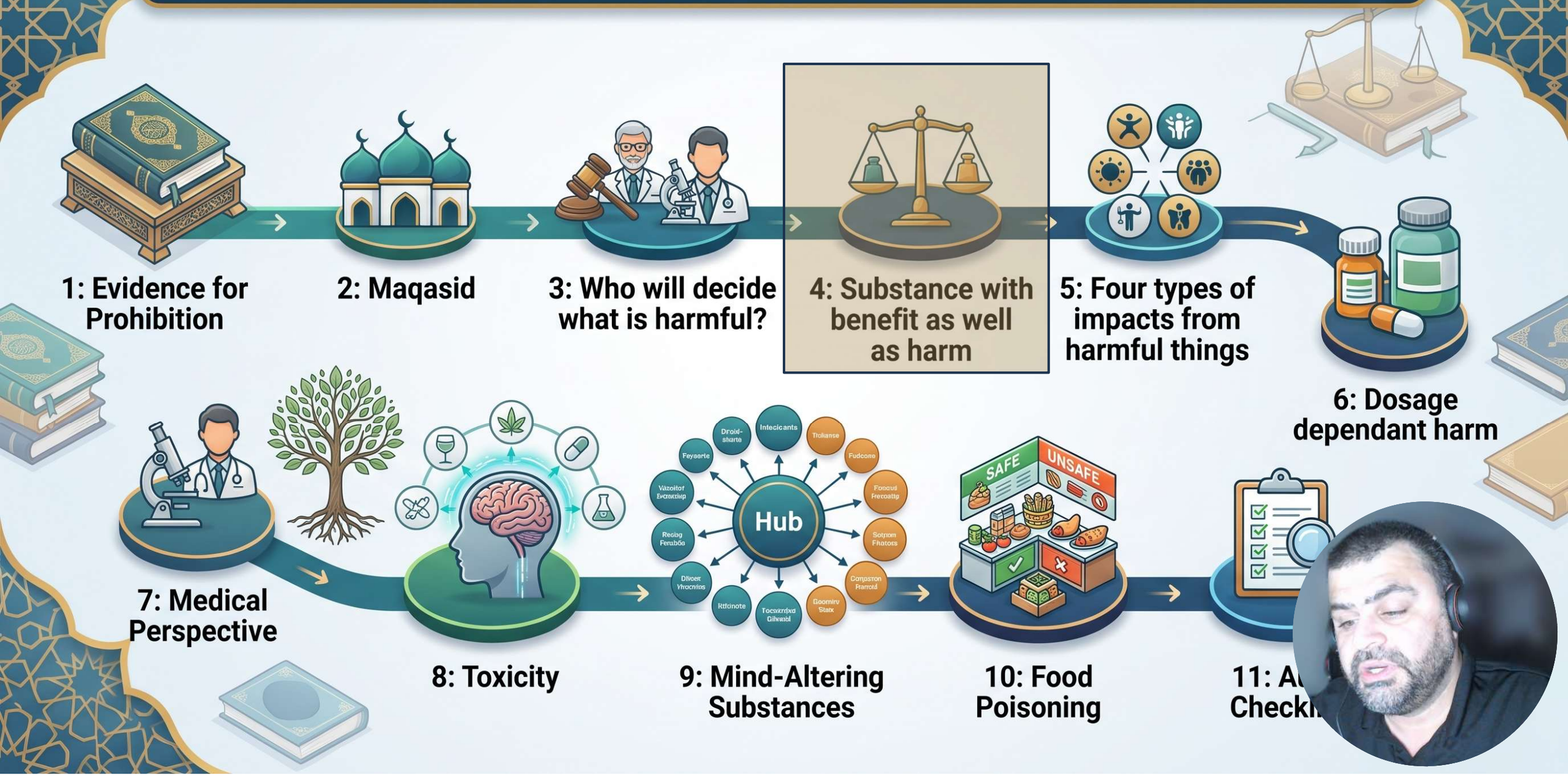
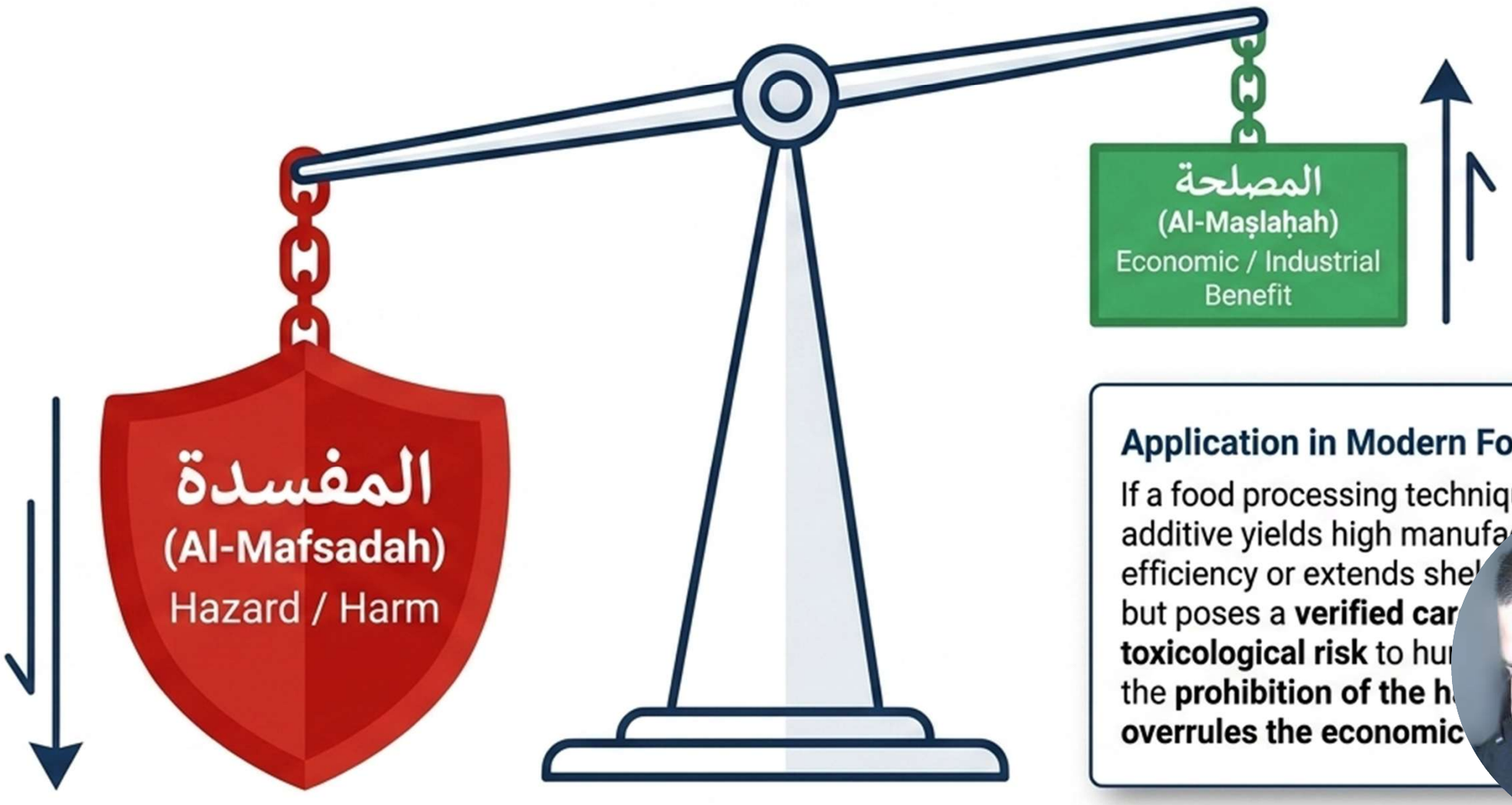


Warding off Harm Wields Veto Power

درء المفاسد أولى من جلب المصالح

Warding off harm takes precedence over acquiring benefit. (al-Suyuti)



Application in Modern Food Law

If a food processing technique or synthetic additive yields high manufa
efficiency or extends shel
but poses a **verified car**
toxicological risk to hu
the **prohibition of the h**
overrules the economic

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The Benefit vs. Harm Balance

When a substance possesses both beneficial and harmful properties, Shariah evaluates its legal status through three distinct scenarios, as formulated by classical scholar Shaykh Ash-Shanqiti:

Harm > Benefit

Benefit — Harm

Status: Strictly Prohibited.

Harm = Benefit

Benefit — Harm

Status: Prohibited.
Legal Rule: "Warding off harm takes precedence over acquiring benefits"
(Dar' al-mafasid awla min jalb al-ma[illegible])

Benefit > Harm

Benefit — Harm

Status: Permitted under
Legal Rule: Allowed stri
controlled medical neces

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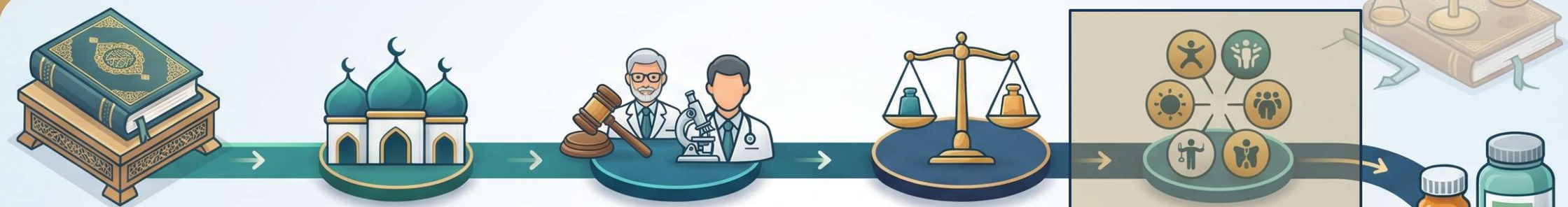

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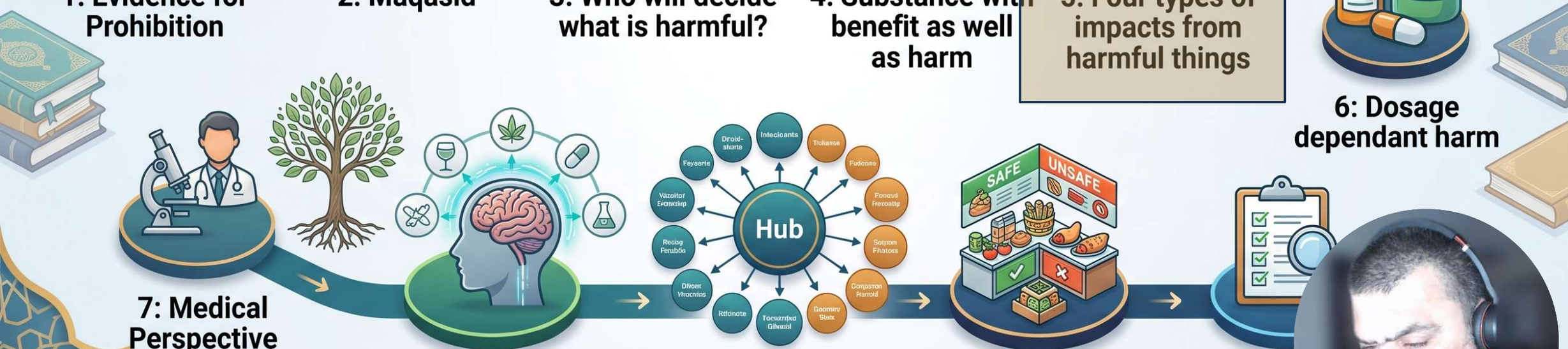

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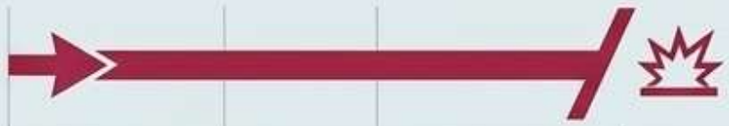
Acute vs. Chronic & Cumulative Harm

Acute Harm



Definition: Immediate, rapid physical damage or death bypassing the body's natural defenses.
Example: Ingestion of fast-acting cyanide or lethally toxic flora.

Chronic Harm

Definition: Gradual, long-term physiological deterioration caused by persistent, habitual consum
Example: Cigarettes and tobacco. Tolerated by the body in a single, minute dose, but categorically p
due to the guaranteed cumulative physiological damage.

Conditional vs. Absolute Harm

Assessing Harm

Absolute / Inherent Harm

- **Examples:** Tobacco, lethal poisons, glass, hard drugs.
- **Mechanism:** Harmful to everyone, by its very nature.

Universally Haram for all mankind.

Conditional Harm

- **Examples:** Incompatible food combinations, high-sugar foods for a diabetic, specific allergens.
- **Mechanism:** Permissible in origin, but harmful to a specific biology or medical condition.

Haram only for that sp individual due to the ve harm it causes ther

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Category 1: Rulings on Poisons

Immediate / Baneful Poisons

Lethal chemicals and toxins that cause rapid death.

Absolutely Haram (Suicide)

Slow Poisons (بطیء)

Substances that gradually degrade health, destroy organs over time, and act as a health remover.

Equally Haram

The Shariah makes no distinction in the end ruling betw
a substance that kills in minutes and one that destroy
body over years. Gradual destruction is still destructi

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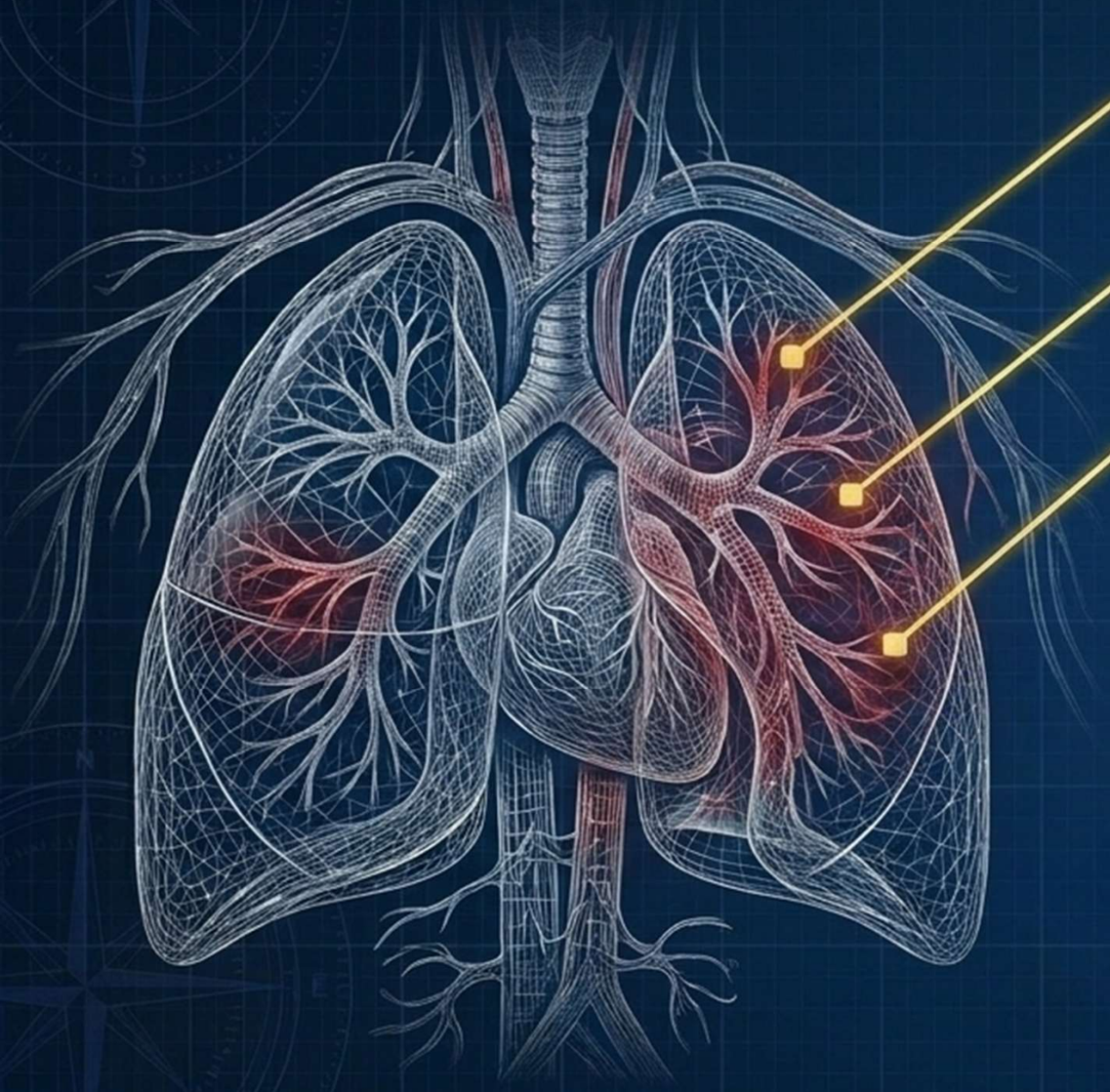
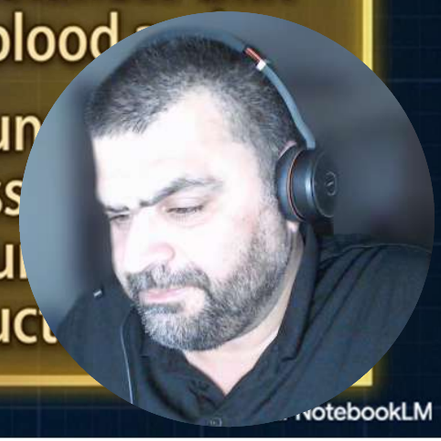
Modern Applications: The Ruling on Smoking



- Cigarettes / Tobacco
- Shisha / Hookah
- Vaping / E-Cigarettes

Universally agreed upon by modern medical science as containing toxic substances that systematically damage the blood
respiratory system. Therefore, un
dietary law, they are strictly class
(Health Removers) and fall u
prohibition of self-destruct



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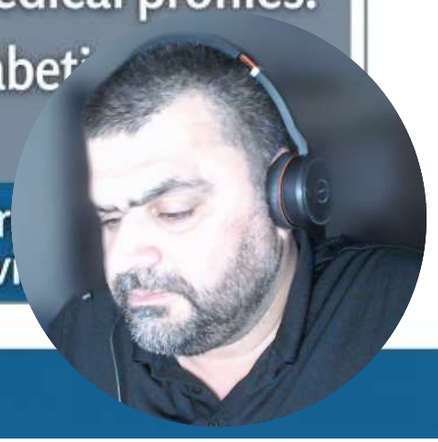
Modern Islamic Scientific Codex

Scope of Impact	Timeline of Impact: Acute (Immediate)	Timeline of Impact: Chronic (Long-term)
Absolute (Universal)	Universally deadly immediately. • Lethal poisons, glass, corrosive chemicals, mud. **Ruling: Absolute Prohibition (Tahrim Qat'i).**	Universally damaging over time through persistent use. • Tobacco, heavy alcohol, cumulative carcinogenic dyes. **Ruling: Prohibited due to slow destruction.**
Relative (Particular)	Pure/lawful for most, instantly dangerous to specific individuals. • Severe allergens (e.g., anaphylaxis triggers). **Ruling: Conditionally Prohibited for the affected individual.**	Lawful for most, cumulatively damaging to specific medical profiles. • Refined sugar for diabet… for celiac patients. **Ruling: Conditionally Pr… the affected indiv…**

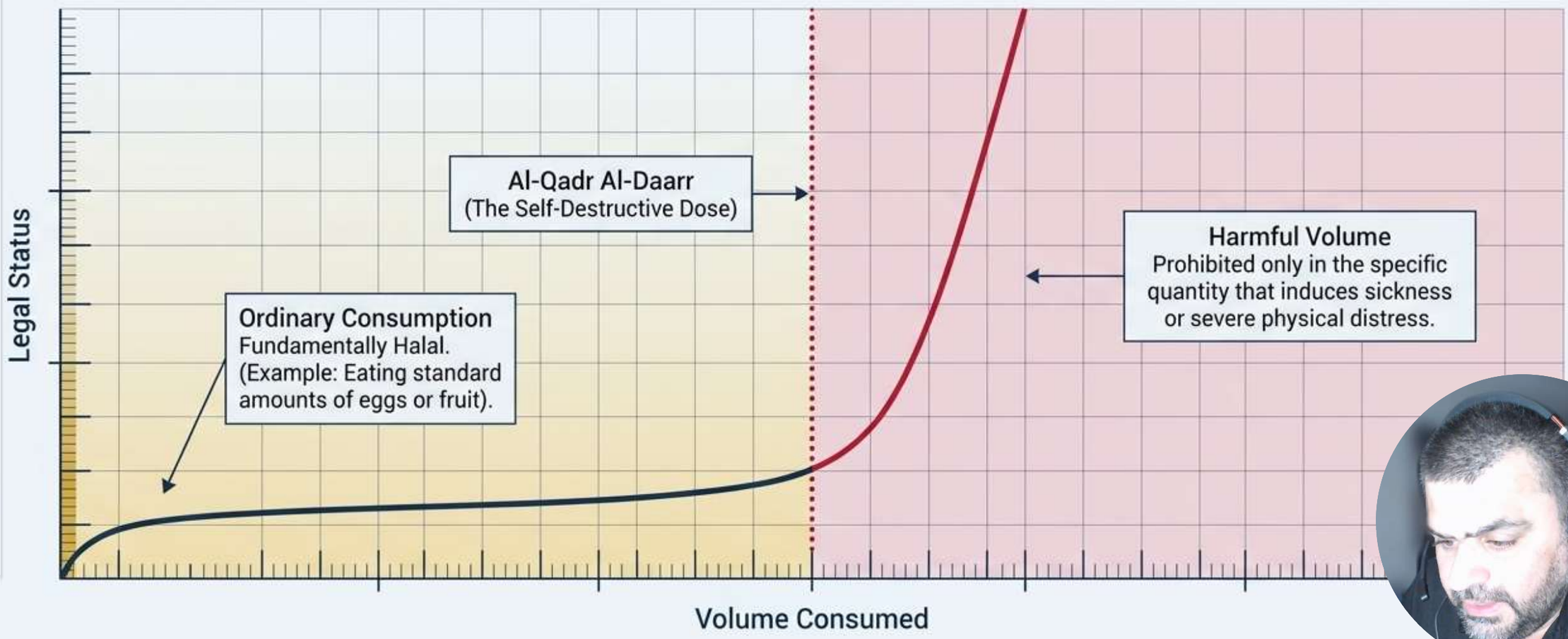


Tahrim Qat'i: Absolute Prohibition

Understanding Harm (*Darar*) as a Legal Basis for Prohibition (*At-Tahreem*)

Dose-Dependent Prohibition (*Al-Qadr Al-Daarr*)

Shariah does not declare a substance automatically haram just because it is mildly unhealthy. The prohibition is precisely linked to the harmful quantity.


Legal Status
Al-Qadr Al-Daarr
(The Self-Destructive Dose)
Harmful Volume
Prohibited only in the specific quantity that induces sickness or severe physical distress.
Ordinary Consumption
Fundamentally Halal.
(Example: Eating standard amounts of eggs or fruit).
Volume Consumed

Juristic Rule C: The Quantity Rule (The Nutmeg Exception)

The *Khamr* Rule

Under the strict laws of intoxicants, even a single drop or trace amount is Haram, regardless of whether that drop physically intoxicates the consumer.

Because a Mufattir does not carry the absolute spiritual defilement of Khamr, its prohibition is directly tied to the quantity that causes physiological languor.

The *Mufattir* Rule

The Practical Application: This is the exact legal mechanism by which jurists permit utilizing trace amou
a culinary spice. If the quantity used does not induce *Futūr* (lethargy/numbness), the trace amount rema

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Juristic Rule B: The Medical Concession

الضرورات تبيح المحظورات
Necessities render the forbidden permissible.
المشقة تجلب التيسير
Hardship brings about ease.

The Distinction: Unlike pure intoxicants (Muskirat)—where medical use is heavily restricted or entirely disputed—the clinical use of Mufattirat (painkillers) and Murqidat (anesthetics) is fully permissible under strict conditions.

Valid Applications:

- General or local anesthesia for surgical operations.
- Controlled pain relief (e.g., morphine injections) during severe trauma or difficul

The Prescription Safeguards: Validating *Darurah* (Necessity)

Step 1: Critical Threat (الضرورة)

The patient is facing severe, unbearable pain, trauma, or requires necessary surgery.

YES

Step 2: Absence of Alternatives

There is no non-narcotic (Halal) alternative available that can effectively manage the pain or induce the required anesthesia.

YES

Step 3: Expert Validation

The dosage is strictly calculated, limited to the exact level of medical need, and directed by a reliable, expert physician.

YES

Permissible Medical Use

Categories 2 & 3: Narcotics and Medical Exceptions

Recreational Use

Indulging in Narcotics & Drugs

Destroys the Intellect ('Aql), clouds judgment, harms society.

Strictly Prohibited (Haram)

Medical Use

Prescribed Anesthetics & Sedatives

Alleviates severe pain during surgery and medical emergencies.

Permitted as an Exception

Necessity dictates the exception. Allowed strictly to alleviate severe pain in controlled environments, provided it does not cross into recreational intoxication.

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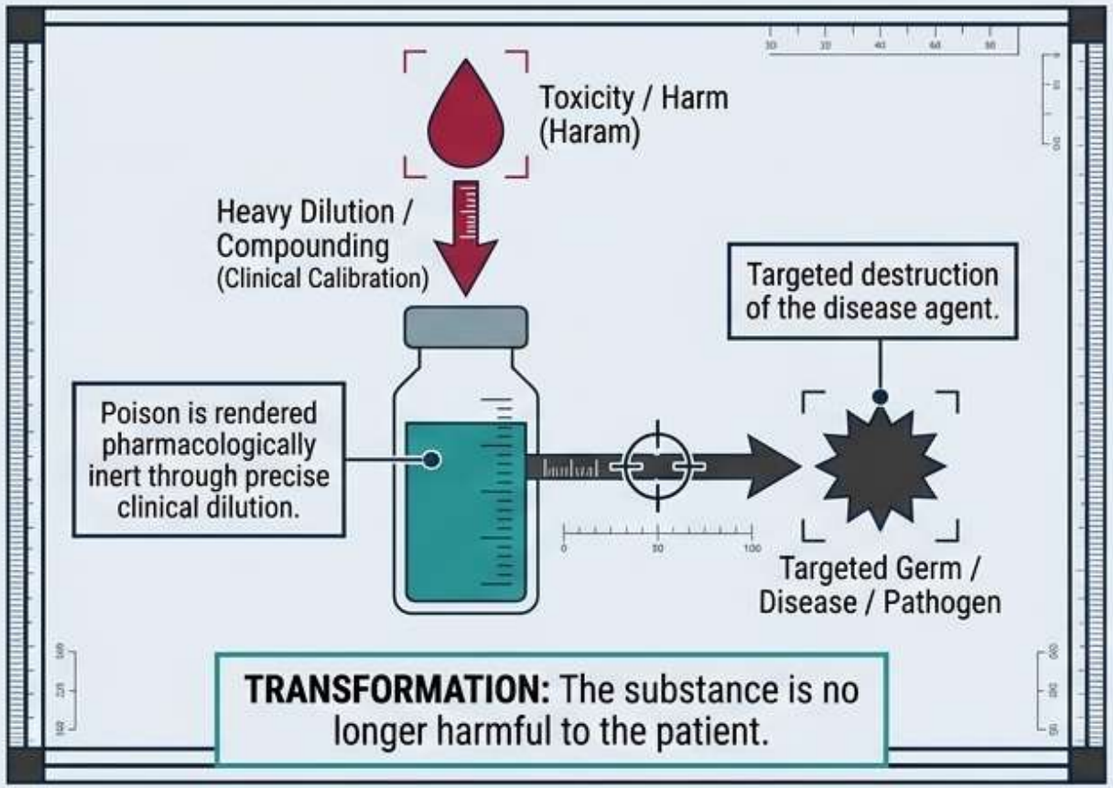
The Ultimate Edge Case: Administering Poisons

The major schools of thought differ on the legal categorization of harmful substances when utilized for medical purposes (*Tadawi*).



The Mālikī & Ḥanbalī Mechanism

- These schools explicitly state that poisons are only prohibited for the person they actually harm.
- If a poison is heavily diluted, compounded into a medicine, and administered by an expert physician specifically to target and destroy a disease, it legally transforms.
- **The Verdict**: It is considered clean and permissible because the underlying cause of prohibition—t… harmful effect (*darar*) on the human body… entirely eliminated.

Legal Ruling: The substance is reclassified… Halal/Permissible due to the removal of the…